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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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CLINTON STRANGE,

Plaintiff,

v.

T C N, INCORPORATED; CELTIC  
BANK CORPORATION;  
CONTINENTAL FINANCE COMPANY,  
LLC; and EASTPOINT RECOVERY  
GROUP, LLC,

Defendants.

**MEMORANDUM DECISION AND  
ORDER DENYING IN PART AND  
GRANTING IN PART PLAINTIFF  
CLINTON STRANGE’S MOTION RE:  
DISMISSAL AND SERVICE**

Case No. 4:18-cv-00058-DN

District Judge David Nuffer

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Plaintiff Clinton Strange filed a motion (the “Motion”)<sup>1</sup> requesting: (1) an order dismissing his claims against Defendant T C N Incorporated (“TCN”) without prejudice; and (2) an order directing the U.S. Marshals Service to serve Defendants Celtic Bank Corporation (“Celtic”), Continental Finance Company LLC (“Continental”), and Eastpoint Recovery Group LLC (“Eastpoint”).<sup>2</sup>

For the following reasons, the Motion is DENIED in part and GRANTED in part.

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<sup>1</sup> Plaintiff’s Omnibus Motion to the Court for: An Order Directing the Clerk to Officiate and Forward Summonses to the U.S. Marshall [sic] Service for Rule 4 Service on the Newly Named Defendants[, and] Motion to Dismiss Defendant Part TCN, Incorporated Without Prejudice, [docket no. 14](#), filed January 29, 2019; *see* Memorandum in Opposition to Plaintiff’s Motion to Dismiss Defendant TCN Incorporated Without Prejudice, [docket no. 16](#), filed February 8, 2019; Plaintiff’s Reply in Opposition to Defendant T C N, Incorporated’s Memorandum in Opposition to Plaintiff’s Motion to Dismiss Defendant T C N, Incorporated Without Prejudice, [docket no. 17](#), filed February 25, 2019.

<sup>2</sup> Eastpoint is elsewhere referred to as “Eastpoint Recovery Group, Inc.” *See* Affidavit in Support of Motion for Dismissal of Petition or Continuance of Trial ¶ 1, [docket no. 10-2](#), filed December 11, 2018.

## DISCUSSION

Nearly two months before Strange filed this Motion, TCN filed a motion under [Fed. R. Civ. P. 12\(b\)\(6\)](#) to dismiss Strange's claims with prejudice.<sup>3</sup> Strange did not file a response to TCN's motion, and the time to do so expired.<sup>4</sup> Since then, an order has been entered granting TCN's motion and dismissing all of Strange's claims against TCN *with* prejudice.<sup>5</sup> Accordingly, Strange's request for an order dismissing his claims against TCN *without* prejudice is moot and will be denied.

However, his request for an order directing the U.S. Marshals Service to effectuate service on Celtic, Continental, and Eastpoint will be granted. For where, as here,<sup>6</sup> a "plaintiff is authorized to proceed in forma pauperis under [28 U.S.C. § 1915](#)," "[t]he court must," "[a]t the plaintiff's request, . . . order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court."<sup>7</sup>

## ORDER

THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Motion<sup>8</sup> is DENIED to the extent it seeks to dismiss Strange's claims against TCN *without* prejudice.

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<sup>3</sup> Motion to Dismiss Plaintiff's First Amended Complaint and Memorandum in Support, [docket no. 10](#), filed December 11, 2018.

<sup>4</sup> See Request to Submit for Decision, [docket no. 13](#), filed January 22, 2019.

<sup>5</sup> Memorandum Decision and Order Dismissing with Prejudice All Claims Against T C N Incorporated, [docket no. 19](#), filed March 27, 2019.

<sup>6</sup> Order on Application to Proceed Without Prepayment of Fees, [docket no. 2](#), filed September 10, 2018.

<sup>7</sup> [FED. R. CIV. P. 4\(c\)\(3\)](#).

<sup>8</sup> [Docket no. 14](#), filed January 29, 2019.

2. The Motion<sup>9</sup> is GRANTED to the extent it requests that the U.S. Marshals Service effectuate service on Celtic, Continental, and Eastpoint.

3. The U.S. Marshals Service is hereby directed to serve a summons, a copy of the First Amended Complaint,<sup>10</sup> and a copy of this Order on each of the following defendants by registered or certified mail:

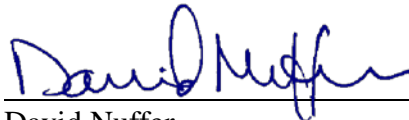
Celtic Bank Corporation  
c/o Leslie K. Renaldi  
268 S. State St., Ste. 300  
Salt Lake City, UT 8411

Continental Finance Company LLC  
c/o Lamiaa E. Elfar  
4550 New Linden Hill Rd., Ste. 400  
Wilmington, DE 19808

Eastpoint Recovery Group Inc.<sup>11</sup>  
c/o C T Corporation System  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

Signed March 28, 2019.

BY THE COURT:



David Nuffer  
United States District Judge

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<sup>9</sup> *Id.*

<sup>10</sup> Docket no. 9, filed November 30, 2018.

<sup>11</sup> See *supra* note 2 and accompanying text.